

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Mar 09, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

LYNN K.,

Plaintiff,

v.

ANDREW M. SAUL,  
COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

No. 1:20-CV-03050-RHW

**ORDER GRANTING PARTIES'  
STIPULATED MOTION FOR  
REMAND**

Before the Court is the parties' Stipulated Motion for Remand. ECF No. 19. The Commissioner of Social Security denied Plaintiff's application for Disability Insurance Benefits under Title II the Social Security Act, 42 U.S.C. § 401-434, and her application for Supplemental Security Income under Title XVI of the Act, 42 U.S.C. §1381-1383F. *See* AR 1-6, 18-39. Plaintiff brought this action seeking judicial review of the Commissioner's final decision. ECF No. 1. The parties now jointly move the Court to reverse and remand for further administrative proceedings and a new decision. ECF No. 15. Based on the agreement of the

1 parties and the record, the Court finds good cause to grant their motion.

2 The Commissioner's decision to deny Plaintiff's applications for Social  
3 Security benefits is **REVERSED** and **REMANDED** for further proceedings  
4 pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the Appeals Council  
5 will instruct the Administrative Law Judge (ALJ) to:

- 6 • Re-evaluate the medical opinion evidence of record in accord with 20  
C.F.R. §§ 404.1527, 416.927;
- 7 • Re-evaluate Plaintiff's subjective complaints and Plaintiff's residual  
functional capacity;
- 8 • Obtain evidence from a medical expert(s);
- 9 • Continue the sequential evaluation, including obtaining supplemental  
vocational expert testimony, if necessary; and
- 10 • Offer Plaintiff an opportunity for a new hearing, taking any further action  
needed to complete the administrative record, and issuing a new decision.

11  
12  
13 *See* ECF No. 19 at 2. Moreover, the parties agree that, upon proper presentation,  
14 Plaintiff's application for costs and attorney fees under the Equal Access to Justice  
15 Act, 28 U.S.C. § 2412, can be considered by the Court. *Id.*

16 Accordingly, **IT IS HEREBY ORDERED:**

- 17 1. The parties' Stipulated Motion for Remand, **ECF No. 19**, is **GRANTED**.
- 18 2. The Commissioner's decision is **REVERSED** and this matter is  
19 **REMANDED** for further administrative proceedings consistent with this  
20 Order.

1 3. Plaintiff's Motion for Summary Judgment, **ECF No. 14**, is now **MOOT**.

2 4. The District Court Executive shall enter judgment for the Plaintiff and  
3 against Defendant.

4 **IT IS SO ORDERED.** The District Court Executive is directed to enter this Order,  
5 forward copies to counsel, and **close the file**.

6 **DATED:** March 9, 2021

7 *s/Robert H. Whaley*  
8 ROBERT H. WHALEY  
9 Senior United States District Judge

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
  
**ORDER GRANTING PARTIES' STIPULATED MOTION FOR**  
**REMAND ~ 3**